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1 A bill to be entitled
 2 An act relating to local government ethics reform;
 3 amending s. 99.061; requiring certain candidates for
 4 elected municipal office to file a full and public
 5 financial disclosure upon qualifying; amending s.
 6 112.313, F.S.; specifying that prohibitions on
 7 conflicting employment or contractual relationships
 8 for public officers or employees of an agency apply to
 9 contractual relationships held by certain business
 10 entities; providing that specified contractual
 11 relationships are not prohibited or deemed a conflict
 12 of interest for certain purposes; amending s.
 13 112.3142, F.S.; expanded the annual ethics training
 14 requirement to include elected special district
 15 officers; amending s. 112.3143, F.S.; requiring local
 16 public officers who must refrain from voting on
 17 measures in which they have a conflict of interest to
 18 disclose the conflict prior to participating in the
 19 measure before the vote is taken; amending s.
 20 112.3144, F.S.; requiring certain elected municipal
 21 officers to file a full and public disclosure of
 22 financial interests; providing for applicability;
 23 amending ss. 112.3144 and 112.3145, F.S.; requiring
 24 individuals that must complete annual ethics training

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25 to provide information on the training provider and
 26 date the training was completed on the individual's
 27 annual disclosure of financial interests; amending s.
 28 112.31455, F.S.; revising provisions governing
 29 collection methods for unpaid automatic fines for
 30 failure to timely file disclosure of financial
 31 interests to include school districts; repealing s.
 32 112.3261, F.S.; creating s. 112.32612, F.S.; requiring
 33 lobbyists to register with the Commission on Ethics
 34 prior to lobbying certain local government entities;
 35 requiring the Commission on Ethics to render advisory
 36 opinions under certain conditions; declaring that the
 37 act fulfills an important state interest; providing an
 38 effective date.

39

40 Be It Enacted by the Legislature of the State of Florida:

41

42 Section 1. Subsection (5) of section 99.061, Florida
 43 Statutes, is amended to read:

44 99.061 Method of qualifying for nomination or election to
 45 federal, state, county, or district office.—

46 (5) At the time of qualifying for office, each candidate
 47 for an elected municipal office serving a municipality that had
 48 \$5 million or more in total revenue as determined by the most

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49 recent annual financial report submitted to the Department of
 50 Financial Services in accordance with s. 218.32 or a
 51 constitutional office shall file a full and public disclosure of
 52 financial interests pursuant to s. 8, Art. II of the State
 53 Constitution, which must be verified under oath or affirmation
 54 pursuant to s. 92.525(1)(a), and a candidate for any other
 55 office, ~~including local elective office,~~ shall file a statement
 56 of financial interests pursuant to s. 112.3145.

57 Section 2. Subsection (7) of section 112.313, Florida
 58 Statutes, is amended to read:

59 112.313 Standards of conduct for public officers,
 60 employees of agencies, and local government attorneys.—

61 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

62 (a) A ~~No~~ public officer or employee of an agency may not
 63 ~~shall~~ have or hold any employment or contractual relationship
 64 with any business entity or any agency that ~~which~~ is subject to
 65 the regulation of, or is doing business with, an agency of which
 66 he or she is an officer or employee, excluding those
 67 organizations and their officers who, when acting in their
 68 official capacity, enter into or negotiate a collective
 69 bargaining contract with the state or any municipality, county,
 70 or other political subdivision of the state; and ~~nor shall~~ an
 71 officer or employee of an agency may not have or hold any
 72 employment or contractual relationship that will create a

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73 continuing or frequently recurring conflict between his or her
 74 private interests and the performance of his or her public
 75 duties or that would impede the full and faithful discharge of
 76 his or her public duties. For purposes of this subsection, if a
 77 public officer or employee of an agency holds a material
 78 interest in a business entity other than a publicly traded
 79 entity, or is an officer, a director, or a member who manages
 80 such an entity, contractual relationships held by the business
 81 entity are deemed to be held by the public officer or employee.

82 1. When the agency referred to is a ~~that certain kind of~~
 83 special tax district created by general or special law and is
 84 limited specifically to constructing, maintaining, managing, and
 85 financing improvements in the land area over which the agency
 86 has jurisdiction, or when the agency has been organized pursuant
 87 to chapter 298, ~~then~~ employment with, or entering into a
 88 contractual relationship with, such a business entity by a
 89 public officer or employee of such an agency is ~~shall~~ not ~~be~~
 90 prohibited by this subsection or ~~be~~ deemed a conflict per se.
 91 However, conduct by such officer or employee that is prohibited
 92 by, or otherwise frustrates the intent of, this section must
 93 ~~shall~~ be deemed a conflict of interest in violation of the
 94 standards of conduct set forth by this section.

95 2. When the agency referred to is a legislative body and
 96 the regulatory power over the business entity resides in another

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97 agency, or when the regulatory power that ~~which~~ the legislative
 98 body exercises over the business entity or agency is strictly
 99 through the enactment of laws or ordinances, ~~then~~ employment or
 100 a contractual relationship with such a business entity by a
 101 public officer or employee of a legislative body is ~~shall~~ not ~~be~~
 102 prohibited by this subsection or ~~be~~ deemed a conflict.

103 (b) This subsection does ~~shall~~ not prohibit a public
 104 officer or employee from practicing in a particular profession
 105 or occupation when such practice by persons holding such public
 106 office or employment is required or permitted by law or
 107 ordinance.

108 Section 3. Subsection (2) of section 112.3142, Florida
 109 Statutes, is amended to read:

110 112.3142 Ethics training for specified constitutional
 111 officers and elected municipal officers.—

112 (2)(a) All constitutional officers must complete 4 hours
 113 of ethics training each calendar year which addresses, at a
 114 minimum, s. 8, Art. II of the State Constitution, the Code of
 115 Ethics for Public Officers and Employees, and the public records
 116 and public meetings laws of this state. ~~This requirement may be~~
 117 ~~satisfied by completion of a continuing legal education class or~~
 118 ~~other continuing professional education class, seminar, or~~
 119 ~~presentation if the required subjects are covered.~~

120 (b) ~~Beginning January 1, 2015,~~ All elected municipal

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121 officers must complete 4 hours of ethics training each calendar
 122 year which addresses, at a minimum, s. 8, Art. II of the State
 123 Constitution, the Code of Ethics for Public Officers and
 124 Employees, and the public records and public meetings laws of
 125 this state. ~~This requirement may be satisfied by completion of a~~
 126 ~~continuing legal education class or other continuing~~
 127 ~~professional education class, seminar, or presentation if the~~
 128 ~~required subjects are covered.~~

129 (c) Beginning January 1, 2018, all elected members of the
 130 governing board of a special district must complete 4 hours of
 131 ethics training each calendar year which addresses, at a
 132 minimum, s. 8, Art. II of the State Constitution, the Code of
 133 Ethics for Public Officers and Employees, and the public records
 134 and public meetings laws of this state.

135 (d) The requirements specified in paragraphs (a), (b), and
 136 (c) may be satisfied by completion of a continuing legal
 137 education class or other continuing professional education
 138 class, seminar, or presentation if the required subjects are
 139 covered.

140 ~~(e) The commission shall adopt rules establishing minimum~~
 141 Course content for the portion of an ethics training class which
 142 addresses s. 8, Art. II of the State Constitution and the Code
 143 of Ethics for Public Officers and Employees must include one or
 144 more of the following:

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- 145 1. Doing business with one's own agency;
 146 2. Conflicting employment or contractual relationships;
 147 3. Misuse of position;
 148 4. Disclosure or use of certain information;
 149 5. Gifts and honoraria, including solicitation and
 150 acceptance of gifts, and unauthorized compensation;
 151 6. Post-officeholding restrictions;
 152 7. Restrictions on the employment of relatives;
 153 8. Voting conflicts when the officer is a member of a
 154 collegial body and votes in his or her official capacity;
 155 9. Financial disclosure requirements, including the
 156 automatic fine and appeal process;
 157 10. Commission procedures on ethics complaints and
 158 referrals; and
 159 11. The importance of and process for obtaining advisory
 160 opinions rendered by the commission.
- 161 ~~(d)~~ (f) Training providers are encouraged to seek
 162 accreditation from any applicable licensing body for courses
 163 offered pursuant to this section.
- 164 (g) The Legislature intends that a constitutional officer,
 165 ~~or~~ elected municipal officer, or elected member of the governing
 166 board of a special district, who is required to complete ethics
 167 training pursuant to this section receive the required training
 168 as close as possible to the date that he or she assumes office.

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169 A constitutional officer, ~~or~~ elected municipal officer, or
 170 elected member of the governing board of a special district,
 171 assuming a new office or new term of office on or before March
 172 31 must complete the annual training on or before December 31 of
 173 the year in which the term of office began. A constitutional
 174 officer, ~~or~~ elected municipal officer, or elected member of the
 175 governing board of a special district, assuming a new office or
 176 new term of office after March 31 is not required to complete
 177 ethics training for the calendar year in which the term of
 178 office began.

179 Section 4. Subsections (2), (3) and (4) of section
 180 112.3143, Florida Statutes, are amended to read:

181 112.3143 Voting conflicts.—

182 (2) (a) ~~A~~ An elected state public officer may not vote on
 183 any matter that the officer knows would inure to his or her
 184 special private gain or loss. Any elected state public officer
 185 who abstains from voting in an official capacity upon any
 186 measure that the officer knows would inure to the officer's
 187 special private gain or loss, or who votes in an official
 188 capacity on a measure that he or she knows would inure to the
 189 special private gain or loss of any principal by whom the
 190 officer is retained or to the parent organization or subsidiary
 191 of a corporate principal by which the officer is retained other
 192 than an agency as defined in s. 112.312(2); or which the officer

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193 knows would inure to the special private gain or loss of a
 194 relative or business associate of the public officer, shall make
 195 every reasonable effort to disclose the nature of his or her
 196 interest as a public record in a memorandum filed with the
 197 person responsible for recording the minutes of the meeting, who
 198 shall incorporate the memorandum in the minutes. If it is not
 199 possible for the state public officer to file a memorandum
 200 before the vote, the memorandum must be filed with the person
 201 responsible for recording the minutes of the meeting no later
 202 than 15 days after the vote.

203 (b) A member of the Legislature may satisfy the disclosure
 204 requirements of this section by filing a disclosure form created
 205 pursuant to the rules of the member's respective house if the
 206 member discloses the information required by this subsection.

207 (3) (a) No county, municipal, ~~or~~ other local public
 208 officer, governing board member of a special district or school
 209 district, or appointed public officer, may ~~shall~~ vote in an
 210 official capacity upon any measure which would inure to his or
 211 her special private gain or loss; which he or she knows would
 212 inure to the special private gain or loss of any principal by
 213 whom he or she is retained or to the parent organization or
 214 subsidiary of a corporate principal by which he or she is
 215 retained, other than an agency as defined in s. 112.312(2); or
 216 which he or she knows would inure to the special private gain or

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217 | loss of a relative or business associate of the public officer.
 218 | Such public officer shall, prior to the vote being taken,
 219 | publicly state to the assembly the nature of the officer's
 220 | interest in the matter from which he or she is abstaining from
 221 | voting and, within 15 days after the vote occurs, disclose the
 222 | nature of his or her interest as a public record in a memorandum
 223 | filed with the person responsible for recording the minutes of
 224 | the meeting, who shall incorporate the memorandum in the
 225 | minutes.

226 | (b) However, a commissioner of a community redevelopment
 227 | agency created or designated pursuant to s. 163.356 or s.
 228 | 163.357, or an officer of an independent special tax district
 229 | elected on a one-acre, one-vote basis, is not prohibited from
 230 | voting, when voting in said capacity.

231 | (4) No county, municipal, other local public officer,
 232 | governing board member of a special district or school district,
 233 | or appointed public officer, shall participate in any matter
 234 | which would inure to the officer's special private gain or loss;
 235 | which the officer knows would inure to the special private gain
 236 | or loss of any principal by whom he or she is retained or to the
 237 | parent organization or subsidiary of a corporate principal by
 238 | which he or she is retained; or which he or she knows would
 239 | inure to the special private gain or loss of a relative or
 240 | business associate of the public officer, without first

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241 disclosing the nature of his or her interest in the matter.

242 (a) Such disclosure, indicating the nature of the
 243 conflict, shall be made in a written memorandum filed with the
 244 person responsible for recording the minutes of the meeting,
 245 prior to the meeting in which consideration of the matter will
 246 take place, and shall be incorporated into the minutes. Any such
 247 memorandum shall become a public record upon filing, shall
 248 immediately be provided to the other members of the agency, and
 249 shall be read publicly at the next meeting held subsequent to
 250 the filing of this written memorandum.

251 (b) In the event that disclosure has not been made prior
 252 to the meeting or that any conflict is unknown prior to the
 253 meeting, the disclosure shall be made orally at the meeting when
 254 it becomes known that a conflict exists. A written memorandum
 255 disclosing the nature of the conflict shall then be filed within
 256 15 days after the oral disclosure with the person responsible
 257 for recording the minutes of the meeting and shall be
 258 incorporated into the minutes of the meeting at which the oral
 259 disclosure was made. Any such memorandum shall become a public
 260 record upon filing, shall immediately be provided to the other
 261 members of the agency, and shall be read publicly at the next
 262 meeting held subsequent to the filing of this written
 263 memorandum.

264 (c) For purposes of this subsection, the term

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265 "participate" means any attempt to influence the decision by
 266 oral or written communication, whether made by the officer or at
 267 the officer's direction.

268 Section 5. Subsections (1), (2) and (8) of section
 269 112.3144, Florida Statutes, are amended to read:

270 112.3144 Full and public disclosure of financial
 271 interests.—

272 (1) In addition to officers specified in s. 8, Art. II of
 273 the State Constitution or other state law, every elected
 274 municipal officer serving a municipality that had \$5 million or
 275 more in total revenue as determined by the most recent annual
 276 financial report submitted to the Department of Financial
 277 Services in accordance with s. 218.32 is required to file a full
 278 and public disclosure of financial interests. An officer who is
 279 ~~required by s. 8, Art. II of the State Constitution to file a~~
 280 ~~full and public disclosure of his or her financial interests for~~
 281 ~~any calendar or fiscal year shall file that disclosure with the~~
 282 ~~Florida Commission on Ethics. Additionally, beginning January 1,~~
 283 ~~2015,~~ An officer who is required to complete annual ethics
 284 training pursuant to s. 112.3142 must certify on his or her full
 285 and public disclosure of financial interests that he or she has
 286 completed the required training. Additionally, beginning January
 287 1, 2018, an individual who is required to complete annual ethics
 288 training pursuant to s. 112.3142, must provide the name of the

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289 training provider and date he or she completed the training on
 290 the full and public disclosure of financial interests, unless
 291 such information was provided by the general counsel or
 292 equivalent legal counsel of the agency or entity to which the
 293 officer is associated within 7 days of the completion of the
 294 training. A general counsel may supply such information by email
 295 to the commission providing the required information and the
 296 participants covered by the disclosure. Each such participant
 297 shall contemporaneously receive a copy of such communication.

298 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~
 299 ~~the State Constitution,~~ to file a full and public disclosure of
 300 financial interests and who has filed a full and public
 301 disclosure of financial interests for any calendar or fiscal
 302 year is ~~shall~~ not be required to file a statement of financial
 303 interests pursuant to s. 112.3145(2) and (3) for the same year
 304 or for any part thereof notwithstanding any requirement of this
 305 part. If an incumbent in an elective office has filed the full
 306 and public disclosure of financial interests to qualify for
 307 election to the same office or if a candidate for office holds
 308 another office subject to the annual filing requirement, the
 309 qualifying officer shall forward an electronic copy of the full
 310 and public disclosure of financial interests to the commission
 311 no later than July 1. The electronic copy of the full and public
 312 disclosure of financial interests satisfies the annual

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313 disclosure requirement of this section. A candidate who does not
 314 qualify until after the annual full and public disclosure of
 315 financial interests has been filed pursuant to this section
 316 shall file a copy of his or her disclosure with the officer
 317 before whom he or she qualifies.

318 (8)

319 (c) For purposes of this section, an error or omission is
 320 immaterial, inconsequential, or de minimis if the original
 321 filing provided sufficient information for the public to
 322 identify potential conflicts of interest. However, failure to
 323 certify completion of annual ethics training required under s.
 324 112.3142, or provide the name of the training provider and the
 325 date he or she completed the training, when required, does not
 326 constitute an immaterial, inconsequential, or de minimis error
 327 or omission.

328 Section 6. Subsection (4) and paragraph (c) of subsection
 329 (10) of section 112.3145, Florida Statutes, is amended to read:

330 112.3145 Disclosure of financial interests and clients
 331 represented before agencies.—

332 (4) Beginning January 1, 2015, an officer who is required
 333 to complete annual ethics training pursuant to s. 112.3142 must
 334 certify on his or her statement of financial interests that he
 335 or she has completed the required training. Additionally,
 336 beginning January 1, 2018, an individual who is required to

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337 complete annual ethics training pursuant to s. 112.3142, must
 338 provide the name of the training provider and the date he or she
 339 completed the training on his or her statement of financial
 340 interests, unless such information was provided by the general
 341 counsel or equivalent legal counsel of the agency or entity to
 342 which the officer is associated within 7 days of the completion
 343 of the training. A general counsel may supply such information
 344 by email to the commission providing the required information
 345 and the participants covered by the disclosure. Each such
 346 participant shall contemporaneously receive a copy of such
 347 communication.

348 (10)

349 (c) For purposes of this section, an error or omission is
 350 immaterial, inconsequential, or de minimis if the original
 351 filing provided sufficient information for the public to
 352 identify potential conflicts of interest. However, failure to
 353 certify completion of annual ethics training required under s.
 354 112.3142, or provide the name of the training provider and the
 355 date he or she completed the training, when required, does not
 356 constitute an immaterial, inconsequential, or de minimis error
 357 or omission.

358 Section 7. The amendments made to ss. 112.3144 and
 359 112.3145, Florida Statutes, by this act apply to disclosures
 360 filed for the 2017 calendar year and all subsequent calendar

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361 years.

362 Section 8. Subsection (1) of section 112.31455, Florida
 363 Statutes, is amended to read:

364 112.31455 Collection methods for unpaid automatic fines
 365 for failure to timely file disclosure of financial interests.—

366 (1) Before referring any unpaid fine accrued pursuant to
 367 s. 112.3144(5) or s. 112.3145(7) to the Department of Financial
 368 Services, the commission shall attempt to determine whether the
 369 individual owing such a fine is a current public officer or
 370 current public employee. If so, the commission may notify the
 371 Chief Financial Officer or the governing body of the appropriate
 372 county, municipality, school district, or special district of
 373 the total amount of any fine owed to the commission by such
 374 individual.

375 (a) After receipt and verification of the notice from the
 376 commission, the Chief Financial Officer or the governing body of
 377 the county, municipality, school district, or special district
 378 shall begin withholding the lesser of 10 percent or the maximum
 379 amount allowed under federal law from any salary-related
 380 payment. The withheld payments shall be remitted to the
 381 commission until the fine is satisfied.

382 (b) The Chief Financial Officer or the governing body of
 383 the county, municipality, school district, or special district
 384 may retain an amount of each withheld payment, as provided in s.

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385 77.0305, to cover the administrative costs incurred under this
386 section.

387 Section 9. Effective January 1, 2018, Section 112.3261,
388 Florida Statutes, is repealed.

389 Section 10. Section 112.32612, Florida Statutes, is
390 created to read:

391 112.32612 Lobbying before governmental entities.-

392 (1) As used in this section, the term:

393 (a) "Governmental entity" or "entity" means a water
394 management district created in s. 373.069 and operating under
395 the authority of chapter 373, a hospital district, a children's
396 services district, an expressway authority as the term
397 "authority" is defined in s. 348.0002, a port authority as
398 defined in s. 315.02, a county, municipality, school district,
399 or an independent special district.

400 (b) "Lobbies" means seeking, on behalf of another person,
401 to influence a governmental entity with respect to a decision of
402 the entity in an area of policy or procurement or an attempt to
403 obtain the goodwill of an official or employee of a governmental
404 entity. The term shall be interpreted and applied consistently
405 with the rules of the commission implementing s. 112.3215.

406 (c) "Lobbyist" has the same meaning as provided in s.
407 112.3215.

408 (d) "Principal" has the same meaning as provided in s.

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409 | 112.3215.

410 | (2) Beginning October 1, 2018, a person may not lobby a

411 | governmental entity until such person has registered as a

412 | lobbyist with the commission in the local government lobbyist

413 | registration system. Such registration shall be due upon

414 | initially being retained to lobby and is renewable on a

415 | calendar-year basis thereafter. Upon registration, the person

416 | shall provide a statement signed by the principal or principal's

417 | representative stating that the registrant is authorized to

418 | represent the principal. The principal shall also identify and

419 | designate its main business on the statement authorizing that

420 | lobbyist pursuant to a classification system approved by the

421 | commission. Any changes to the information required by this

422 | section must be disclosed within 15 days by filing a new

423 | registration form. The registration form shall be modeled after

424 | the executive branch lobbyist registration form and must require

425 | each lobbyist to disclose the following:

426 | (a) The lobbyist's name and business address.

427 | (b) The name and business address of each principal

428 | represented.

429 | (c) For each principal, each governmental entity the

430 | person intends to lobby on behalf of the principal.

431 | (d) The existence of any direct or indirect business

432 | association, partnership, or financial relationship with an

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433 official or employee of a governmental entity with which he or
 434 she lobbies or intends to lobby.

435 (3) The annual lobbyist registration fee shall be set by
 436 the commission by rule, not to exceed \$40 for each principal
 437 represented.

438 (4) The commission shall make lobbyist registrations
 439 available to the public on the commission's website.

440 (5) A lobbyist shall promptly send a written statement to
 441 the commission canceling the registration for a principal upon
 442 termination of the lobbyist's representation of that principal.
 443 The commission may cancel a lobbyist's registration for a
 444 principal if the principal notifies the commission that a person
 445 is no longer authorized to represent that principal.

446 (6) Each governmental entity shall be diligent to
 447 ascertain whether persons required to register pursuant to this
 448 section have complied. A governmental entity may not knowingly
 449 authorize a person who is not registered pursuant to this
 450 section to lobby the entity.

451 (7) (a) Notwithstanding the penalties in s. 112.317, a
 452 lobbyist who violates subsection (2) shall be subject to the
 453 following:

- 454 1. For a first-time violation, a fine not to exceed \$500.
- 455 2. For a second or subsequent violation committed within
 456 twelve months after the commission determines a first-time

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457 violation has been committed, a fine not to exceed \$1000 or, at
 458 the governmental entity's discretion, one year suspension from
 459 lobbying the governmental entity associated with the violation.

460 (b) The fines and suspensions provided in this subsection
 461 shall be applied on a per principal basis only with suspensions
 462 affecting only those principals for whom unregistered lobbying
 463 occurred.

464 (8) By January 1, 2018, each governmental entity's
 465 governing body, or the governing body's designee, shall notify
 466 the commission of any ordinance or rule which imposes additional
 467 or more stringent obligations with respect to lobbyist
 468 registration, reporting, or other lobbyist conduct, and shall
 469 forward to the commission a copy of any associated form that has
 470 been designed to facilitate compliance with such ordinance or
 471 rule. By January 1, 2019, each such governmental entity shall
 472 conform its registration system, if any, to accommodate regular
 473 digital distribution of registration data from the commission so
 474 that initial registration of a lobbyist for all purposes is
 475 accomplished under this section without having to supply the
 476 lobbyist directory and principal directory information to more
 477 than one registration system. The commission shall cooperate to
 478 the extent reasonably practicable to assure such coordination of
 479 information.

480 (9) The commission may adopt rules to establish procedures

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481 to govern the registration of lobbyists, including the adoption
 482 of forms, exchange of information with local governmental
 483 entities, and the establishment of a lobbyist registration fee.

484 Section 11. As provided in s. 112.322(3), Florida
 485 Statutes, the Commission on Ethics shall render advisory
 486 opinions to any public officer, candidate for public office, or
 487 public employee regarding the application of part III of chapter
 488 112, Florida Statutes, including the amendments made by sections
 489 1 through 10 of this act.

490 Section 12. The Legislature finds that a proper and
 491 legitimate state purpose is served when mechanisms are
 492 established to secure and sustain the public's trust in those
 493 who hold public office. Therefore, the Legislature determines
 494 and declares that this act fulfills an important state interest.

495 Section 13. Except as otherwise expressly provided in this
 496 act, this act shall take effect July 1, 2017.